

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

ANGELA D DOWLING *a/k/a*
ANGELA D PEREZ DOWLING,

Plaintiff,

v.

LEGACY AT CYPRESS APARTMENTS,
TRI ARC,

Defendant.

§
§
§
§
§
§
§
§
§
§
§

1:23-CV-1255-RP

ORDER

Before the Court is the report and recommendation from United States Magistrate Judge Mark Lane concerning Plaintiff Angela D Dowling's ("Plaintiff") complaint pursuant to 28 U.S.C. § 1915(e), (Dkt. 1). (R. & R., Dkt. 9). Pursuant to 28 U.S.C. § 636(b) and Rule 1(d) of Appendix C of the Local Rules of the United States District Court for the Western District of Texas, Judge Lane issued his report and recommendation on November 1, 2023. (*Id.*). As of the date of this order, no party has filed objections to the report and recommendation.

Pursuant to 28 U.S.C. § 636(b), a party may serve and file specific, written objections to a magistrate judge's proposed findings and recommendations within fourteen days after being served with a copy of the report and recommendation and, in doing so, secure de novo review by the district court. When no objections are timely filed, a district court can review the magistrate's report and recommendation for clear error. *See* Fed. R. Civ. P. 72 advisory committee's note ("When no timely objection is filed, the [district] court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.").

While it appears Plaintiff may not have received the report and recommendation, (Dkts. 12, 13), it is Plaintiff's failure to update her address with the Court that led to her not receiving the

report and recommendation. “An unrepresented party . . . must timely inform the court of any change in the party’s or attorney’s mailing address, e-mail address, signature, or telephone or fax number. The court may sanction a party for the party’s . . . failure to do so, including dismissal of the party’s claims or defenses.” W.D. Tex. Loc. R. CV-10(d).

Because no party has filed timely objections, the Court reviews the report and recommendation for clear error. Having done so and finding no clear error, the Court accepts and adopts the report and recommendation as its own order.

Accordingly, the Court **ORDERS** that the Report and Recommendation of the United States Magistrate Judge, (Dkt. 9), is **ADOPTED**. Plaintiff’s complaint, (Dkt. 1), is **DISMISSED WITHOUT PREJUDICE**. The Court will enter final judgment by separate order.

SIGNED on December 1, 2023.

A handwritten signature in blue ink, appearing to read "Robert Pitman", written over a horizontal line.

ROBERT PITMAN
UNITED STATES DISTRICT JUDGE